

**Wittels
McInturff
Palikovic**

April 25, 2024

Via ECF

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)

Dear Judge Ross,

The parties write jointly to seek clarification of the Court's April 15, 2024 Text Order regarding filing motions in limine and to request approval of the parties' agreed briefing schedule to file responses and replies to motions in limine.

The Court's April 15 Text Order directed the parties to file all motions in limine, including motions regarding expert reports, on May 20, 2024. The parties understand this Order to mean that the briefing on motions in limine, including any responses and replies, are subject to Local Rule 6.1(a) and not Your Honor's pretrial order bundling rule. Further, given the number and complexity of the anticipated motions in limine, the parties seek a short one-week extension of the briefing schedule in connection with these motions.

Pursuant to Your Honor's Individual Rule I.E, the parties' understanding is that the current deadline for responses to motions in limine is June 3, with replies due June 10. The parties are requesting a one-week extension for each, meaning responses to motions in limine would be due June 10 and replies due on June 24. This is the first extension the parties have sought on responses and replies to motions in limine. Both parties consent to this request.

Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ Ethan D. Roman

Ethan D. Roman

*Class Counsel for Plaintiff and the
Class*

cc: All Counsel of Record (*via ECF*)